

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:01CR163
)	
Plaintiff,)	
vs.)	ORDER
)	
ROBERT E. WATKINS,)	
)	
Defendant.)	

Defendant has filed a notice of appeal (filing 268) from this court's order (filing 267) denying his "Motion for Discovery All Writ Act" (filing 264), as well as a motion for leave to appeal in forma pauperis (filing 269) and motion to appoint counsel on appeal (filing 271). I shall deny Defendant's motions.

The criminal trial in this case occurred in April 2003, judgment was entered in August 2003 (filing 168), and Watkins's conviction and sentence were affirmed by the Eighth Circuit Court of Appeals in October 2004 (filing 194) and again after remand from the United States Supreme Court in July 2005. Since the time of Watkins's conviction, sentence, and appeals, he has filed countless motions, including motions for return of seized property, for copies, to hold counsel in contempt, to hold a fact-finding hearing, for release of Brady materials, for an evidentiary hearing, to submit newly discovered evidence, as well as appeals from the rulings on those motions. (Filings 186, 188, 192, 198, 199, 200, 201, 203, 204, 207, 220, 222, 231, 237, 241, 249.) As noted in a prior order, Watkins has continued to "abus[e] the judicial process by encumbering the court file with motions for relief to which he is not entitled. *See* 18 U.S.C. § 401 (United States courts have power to punish by fine or imprisonment contempt of its authority, including disobedience to court's process, order, or command)." (Filing 267.)

Accordingly, pursuant to Fed. R. App. P. 24(a), and construing the papers liberally, I conclude that because Defendant's appeal is not taken in good faith, his

motion for leave to appeal in forma pauperis (filing 269) must be denied. Further, because this court does not have jurisdiction to appoint counsel for purposes of appeal, Defendant's motion for appointment of counsel on appeal (filing 271) shall be denied.

IT IS ORDERED:

1. Pursuant to Fed. R. App. P. 24(a)(3), the court certifies that Defendant's appeal is not taken in good faith, as the appeal is without any apparent legal basis;
2. Defendant's motion for leave to appeal in forma pauperis (filing 269) is denied;
3. Because this court does not have jurisdiction to appoint counsel for purposes of appeal, Defendant's motion for appointment of counsel on appeal (filing 271) is denied; and
4. Pursuant to Fed. R. App. P. 24(a)(4), the Clerk of the Court shall forward a copy of this memorandum and order to the Clerk of the United States Court of Appeals for the Eighth Circuit.

February 13, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge